

BARKER ASKS A RATE REHEARING

SAYS THAT JUDGES ERR ON MANY POINTS IN THE DECISION.

SUE SINGLY OR COLLECTIVELY

State Can Enter Proceedings as a Member of Class Whose Rights Have Been Disregarded, or Alone.

Jefferson City. Attorney General Barker has filed a motion for a rehearing in the supreme court en banc of the Chicago & Alton overcharge case, in which the court recently held that the state cannot prosecute in behalf of individual shippers or passengers, but can sue to recover only what may be due to the state.

The attorney general, in his brief and suggestions, holds that six of the seven judges held erroneous views on several points as follows.

Because the court erred in holding or seeming to hold that the shippers and passengers who were charged excessive rates during the pendency of the injunction in the federal court were not in any way parties to nor bound by the injunction; and should either grant the rehearing or modify the opinion.

In not holding that the petition, as to its meaning and character, must be determined solely by the allegations in the body of the same.

In holding that the suit could not be maintained under the old equity court rule permitting anyone to sue for himself or for many.

In holding that the state, as an ordinary litigant, under the class theory, could not, as a member of that class, sue and maintain a suit even where the rule is applicable.

Railroads Gain Favor.

Whatever may be the outcome of the pending applications of the railroads for an increase in freight, passenger and baggage rates as applicable to their intrastate business in Missouri, there is no gainsaying that there is a widespread feeling existing in the state that an increase of some kind should be granted.

The applications for the increase, now pending before the Public Service Commission, will doubtless be finally passed upon between now and September. Expressions may be heard on all sides and from all classes and kinds of people, regarding the need of a raise.

This feeling is undoubtedly based on the belief that the present maximum rates on intrastate traffic are inadequate to supply the necessary revenue to enable the roads to supply the service demanded.

There is no class of citizens so intensely interested in the increase as the trainmen and others employed by the railroads. A reasonable increase in the rates would enable the roads to give employment to many thousand more men who have been laid off in the numerous curtailments of expenditures demanded by decreasing revenues.

The people of Missouri have concluded that restrictive regulation of the railroads has gone beyond the limit and that there should be ample leeway given them to earn sufficient revenue to make them prosperous.

Paroles for Three.

Three liferim inmates of the Missouri penitentiary were recipients of holiday paroles following the custom that has prevailed many years of granting clemency to inmates of long service whose records have been good. The men who will go out are Edgar Bailey, Erastus Butler, negro, and Newton Jasper Privitt.

Frisco Complaint Filed.

A complaint against the St. Louis & San Francisco railroad was filed with the State Public Service Commission by the Cordia Timber Company on the ground that the Frisco has neglected to supply adequate yard facilities at Steelville for the shipment of railroad ties.

Club Receivership Held Illegal

Presiding Judge Faris sustained the contention of the Bankers' Trust Company of St. Louis that the appointment of a receiver for the Arcadia Country Club, involving the title to 5,036 acres of land in Iron and St. Francois counties, was illegal.

Harvey Loses Fee Fight.

Circuit Attorney Harvey lost his fight for the \$10 fee for attending coroner's inquests, which he carried to the supreme court. The law was held unconstitutional.

HAPPENINGS of the week IN MISSOURI

A tornado and cloud burst which swept St. Louis and St. Charles counties between 4 and 5 o'clock the other afternoon, caused damage which may aggregate half a million dollars, isolated several small towns and deluged parts of this territory with four inches of rain in half an hour.

The first load of the 1915 wheat crop of Johnson county was marketed in Warrensburg by G. M. Bancroft, a Mont Serrat township farmer. The wheat weighed out fifty-nine and one-half pounds and brought \$1 per bushel.

With every type of the Missouri horse being drawn on to supply mounts and artillery animals for the belligerents of Europe the horse industry is to take on an impetus this year that will be truly remarkable. Never in the history of America has there been such a situation confronting the farmer who produces horses.

James Carlon, 83, a native of Ireland, died at his home in Brookfield the other night. Mr. Carlon was the father of Police Judge W. J. Carlon of that city and had been a successful farmer of Linn county for more than forty years.

Col. H. D. Mackay, 82 years old, is dead at his home in Pomona. He was a pioneer fruit grower of the Ozarks. He was born at Rochester, N. Y., and for many years practiced law there.

With his skull crushed, Dr. T. Doolin, 78 years old, pioneer resident of Green county, was found the brick sidewalk in front of his office at Ash Grove the other morning.

While swimming in a creek in the suburbs of St. Joseph, Joseph Shea, 10 years old, was drowned. His father is John Shea.

The Peoples' bank of Caruthersville did not open its doors the other day, and a notice on the door said the institution temporarily was in the hands of the state bank commissioner. C. F. Scoggin, assistant cashier of the bank, now is under arrest as a result of an alleged shortage in his accounts.

The thirteenth annual convention of the Missouri State Association of Rural Letter Carriers held a two-days' session at Marshall recently. Hannibal was chosen for the 1916 convention. The following officers were elected: Claude Smith, Guthrie, president; John J. Luken, Oregon, vice president; Walter S. Schulenberg, Independence, secretary-treasurer; P. D. Bailey, Marshall, E. E. Duckett, Joplin, members of executive committee. Nine delegates to the national convention, which meets in Detroit in August, were also elected.

While oiling a merry-go-round at Tarkio recently, C. Elise's legs were caught in the machinery and both were cut off below the knees. Elise probably will not survive. He is 26 years old, married, and his home is at Hamburg, Ia.

Ninety-six years old on July 4, Mrs. Catherine Forbes of Carthage, celebrated the nation's and her own natal day by attending a dinner party in her honor and then later assisting a number of youngsters in shooting firecrackers and setting off fireworks at night.

The Rev. J. W. McAtee, pastor of the Independence Avenue Baptist church of Kansas City, has been asked to accept a call to the pastorate of the Robberson Avenue Baptist church in Springfield.

Peter Cavanaugh, 78 years old, a resident of Laclede, Linn county, for forty-five years, is dead in Chillicothe.

"Uncle Matt" McPherson, 89 years old, and one of the pioneer citizens of Dade county, and Miss Clara Burns, 19 years old, of Higginsville, were married at the court house at Greenfield recently. The ceremony was performed by the Rev. William Shaw.

Three months of almost incessant rain have driven Princeton, seat of Mercer county, a town of 1,500, to paved streets. Bids will be opened July 12 on 17,000 square yards of concrete paving. Main street, from the Rock Island station to College avenue, and the streets surrounding and one block each way from the square are to be improved.

According to the Missouri crop report just issued from the office of the secretary of the state board of agriculture, and which shows conditions on July 1, most of the state is in need of fair and warmer weather. However, the report as a whole holds out hope for an abundant harvest.

THE LACLEDE BLADE

When a woman tells you she'll be ready in a minute, she doesn't say which minute.

YOUR OWN DRUGGIST WILL TELL YOU by Marjorie E. Kennedy for Red, White, Water, Eyes and Granulated Syllables: No Smarting—Just Eye Comfort. Write for Book of the Eye by mail Free. Marjorie E. Kennedy Co., Chicago

Not all the pictures in the rogue's gallery are steal engravings.

The Thing Impossible. Aladdin rubbed his lamp. "But can you keep it from drawing mosquitoes?" we cried.

The Real Need. Book Agent—This book will teach you how to economize.

The Victim—That's no good to me. What I need is a book to teach me how to live without economizing.

New Use for a Policeman. A policeman, with more than usual avoidupolis and expanse of shoe leather, had just passed a little terrace house in Jersey, with a bit of garden in front, when a little boy ran after him.

"Hello, kiddie," said the copper, genially, "what can I do for you?"

"Mother sent me out," answered the youngster, "to ask you if you would mind walking up and down our path for a minute or two. It's just been graveled and we ain't got a roller."

Scientific Baseball. Two negroes were arguing over a close decision of the umpire.

"Tain't right, Sam. Dat umpire's decision was all guesswork."

"How you mean, all guesswork? Ain't he seen wat's goin' on?"

"Sure he seen wat's goin' on, but dat don't make it right. Here's de way it oughta be done, Hen. De umpire oughta hab a photograph man wid him, to make a picture of every play, and when he wasn't sure if de player wuz out or not, postpone his decision till he saw de photograph."

BORE RUSHED TO HIS FATE

Doctor Johnson's Scathing Rejoinder to Social Pest Who Asked Him Impertinent Questions.

Dean Swift long ago analyzed some of the ways in which people tire each other in conversation, says the Boston Herald. The man who talks constantly and exclusively about his business, his affairs, his family, his books, his misfortunes, who always wants to prescribe for his acquaintances or advise them soon condemns himself to solitude even in the midst of numbers. Labeled once with the pregnant monosyllable, his way clears before him as by magic, for others cultivate the little strategies which keep them out of range.

Yet any man may become a bore at times. A good deal depends upon moods and circumstances. Poetic justice indeed would require that bores be extinguished by enforced association with their own kind. The most severe social punishment inflicted upon one of the species by a great man who had not acquired the fatal facility which tolerates fools was administered by Doctor Johnson. Said the bore:

"My dear doctor, what would you give to be as young and sprightly as I am?"

Thundered the lexicographer in reply: "Why, sir, I would almost be content to be as foolish."

Could Hide Himself. Volunteer reservist (hoping to be contradicted)—I shall look an awful fool in this uniform.

Tailor—Well, sir, you can always wear a mackintosh.—London Punch.

The Difference. "Does you little boy eat capers?"

"No; he cuts 'em"—Baltimore American.

Australia's gold output is decreasing yearly.

Wash day is smile day if you use Red Cross Ball Blue, American made, therefore the best made. Adv.

There is no pauperism in Serbia. The poorest have some sort of freehold property.

When the home team wins it's due to good playing; when the other fellows win it's merely an accident.

The Secret. "This is very confidential, Marian." "Yes, dear. I shall be most careful to whom I repeat it."

Delicate Ground. "What is to be the subject of your graduating essay, Clarice?"

"Beyond the Alps Lies Italy." Do you think I could venture to use that?"

"Why not? It has been used before with a modicum of success."

"I know, but things are so tangled just now. Would it seem to indicate a disregard of the requirements of strict neutrality, think you?"—Puck.

His Own Fault.

There had been an accident on the worst railroad in the United States. You know the name of the road as well as I do, so what's the use of risking a libel suit by mentioning it?"

The sole survivor of the wreck was sitting up in his hospital cot swathed in bandages. "I suppose you're going to sue the company for damages," said the friend at his bedside.

"No," said the damaged one, "I shall do nothing of the kind."

"Why not? You've certainly got a clear case against them."

"Clear case, nothing! Any intelligent jury in the world would bring in a verdict of contributory negligence. I ought to have known better than to travel on the blamed line."

Builders of the "Big Ditch"

There has just been issued by the Historical Publishing Company of Washington, D. C., a magnificent illustrated history of the construction and builders of the Panama Canal. The editor of this great history is Mr. Ira E. Bennett, with associate editors, John Hays Hammond, celebrated mining engineer; Capt. Philip Andrews, U. S. N.; Rupert Blue, Surg. Gen. U. S. Public Health Service; J. Hampton Moore, Pres. Atlantic Deeper Waterways Ass'n; Patrick J. Lennox, B. A., and William J. Showalter.

One of the most interesting portions of the book is that dealing with the feeding of the immense army of laborers. A few paragraphs concerning one of the foods chosen and supplied by the Commissary Department, are quoted (beginning page 428) as follows:

"Visitors to the canal who were privileged to get a glimpse of the routine inner life will recall a familiar picture of workmen going to their places of labor carrying round yellow tins.

"Often, as they went, they munched a food poured from the tin into the hand. This food, which played no inconsiderable part in 'building' the canal, was the well-known article of diet, 'GRAPE-NUTS.'

"The mention of Grape-Nuts in this connection is peculiarly pertinent. Not merely because Grape-Nuts is a food—for of course proper food was an integral part of the big enterprise—but because it is a cereal food which successfully withstood the effects of a tropical climate. This characteristic of Grape-Nuts was pretty well known and constituted a

cogent reason for its selection for use in the Canal Zone. . . .

"This food is so thoroughly baked that it keeps almost indefinitely in any climate, as has been demonstrated again and again.

"One finds Grape-Nuts on transoceanic steamships, in the islands of the seas, in Alaska, South America, Japan, along the China coast, in Manila, Australia, South Africa, and on highways of travel and the byways of the jungle—in short, wherever minimum of bulk and maximum of nourishment are requisite in food which has to be transported long distances, and often under extreme difficulties.

"The very enviable reputation which Grape-Nuts has attained in these respects caused it to be chosen as one of the foods for the Canal Zone."

Grape-Nuts

FOOD

—scientifically made of prime wheat and malted barley, contains the entire goodness of the grain, including those priceless mineral elements so essential for active bodies and keen brains, but which are lacking in white flour products and the usual dietary.

There's a reason why Grape-Nuts food was chosen by the Canal Commissariat. There's a reason why Grape-Nuts is a favorite food of hustling people everywhere!

Sold by Grocers